

**IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA**

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|---------------------------------|---|----------------------|
| IN THE MATTER OF COURT SECURITY |) | AMENDED |
| IN THE TRIAL COURTS OF MARICOPA |) | ADMINISTRATIVE ORDER |
| COUNTY |) | NO. 2013-165 |
| _____ |) | |

WHEREAS, the Superior Court adopted security policies in 2004 in Superior Court Administrative Order 2004-122; and

WHEREAS, in the 2013 regular session, the Legislature passed and the Governor signed House Bill 2516, amending A.R.S. § 38-1102 to authorize the Presiding Judge to establish rules and policies relating to peace officers' ability to carry firearms in court buildings; and

WHEREAS, the Superior Court must modify the security policies adopted in 2004 to comply with House Bill 2516;

IT IS ORDERED:

A. Entryways to Courthouses

1. An armed security presence must be at or reasonably proximal to the entrances to the downtown, southeast, northeast, northwest and Durango regional courthouses. The Maricopa County Sheriff's Office shall, in the first instance, provide this security presence.

B. Construction of More Screening Stations, Card Entrances

1. The Court must have the ability to screen all entrants to the courthouse if a security threat or changing national norms requires the Court to do so. Bypass of security screening should be an exception based upon justifiable need and appropriate background checks, not the rule. All future courthouse construction shall have adequate space set aside for security, and screening stations to screen all entrants to the courthouse. Existing courthouse facilities shall maintain space and screening stations to screen all entrants to the courthouse.
2. Entrances to judicial suites and chambers in Superior Court buildings shall be restricted to card or key access. The Court Administrator shall provide card or key access to judicial suites and chambers in all existing court buildings and the regional court facilities. The Maricopa County Sheriff's

Office shall have key or card access to judicial suites and chambers for emergency response.

C. Enlarging the Judicial Security Net Downtown

1. The Court's security policies may, with the consent of the Presiding Judge and the Board of Supervisors, encompass the County Administration Building to allow unrestricted access from within the County Administration Building to the Courts.

D. Judicial Officers and Judges Pro Tem

1. Constitutional Judicial Officers, and the elected Clerk of the Court, shall be given a security by-pass privilege and card by reason of the Office. For active full-time Judges and Commissioners, and retired judges who have been called back to duty, and the elected Clerk of the Court, this by-pass privilege shall apply to all entrances to the courthouse. Supreme Court Justices and Court of Appeals Judges shall be given a security by-pass privilege and card upon request.
2. Judges pro tem shall be given a security by-pass privilege during their term as judges pro tem for use only when serving as a judge pro tem. Judge pro tem by-pass cards shall be similar in restriction to employee by-pass cards; that is, judges pro tem by-pass privileges are for employee entrances and they may be subject to random inspection at employee entrances.

E. Judicial Employees and County Employees Whose Work-Station is Within the Judicial Security Net

1. Judicial Branch employees shall be given a security by-pass privilege and card by reason of employment upon the approval of the Court Administrator and completion of a criminal background check. County Employees whose workstation office is located within the judicial security net shall be given a security by-pass privilege and card by reason of their employment on the premises upon the approval of the Court Administrator and completion of a criminal background check. This does not apply to county employees whose workstation office is located outside the judicial security net. The security bypass privilege and card shall be utilized only at designated employee entrances and, even then, employees shall be subject to random screening and inspection at these entrances. The security by-pass privilege and card cannot be utilized at designated public entrances to the courthouse. Security by-pass privileges are suspended for any judicial branch or county employee with a pending criminal case or family court case or order of protection or injunction against harassment, an eviction hearing or any pre-disciplinary or disciplinary proceeding

pending against them. Judicial Branch employees and County employees with a by-pass card are required to report any pending court case involving them to the Court Administrator immediately. The Court Administrator shall develop a plan to compare the employee list with the active case file on a regular basis.

2. Armed Probation Officers shall not bring weapons into the Courthouse. Armed Probation Officers shall check their weapons upon entering a Courthouse.

F. Police Officers

1. Police Officers either in uniform or with visibly displayed law enforcement identification who appear in Court as witnesses pursuant to a subpoena or for any other official or non-official business, and who do not have any pending family court case, upon signing in at a designated security checkpoint at the courthouse, may keep possession of their weapons in the courthouse. The Court Administrator shall establish sign-in procedures that include a verification that the police officer is complying with these judicial security policies. The Court recognizes that Police Officers in uniform who appear in Court in the normal course of their duties are, by virtue of their duties, also additional security officials within the courthouse. The Police Officer shall follow the policy of each Judge regarding the handling of weapons in the courtroom. The Court Administrator shall maintain the technological capability for a sign-in Judicial Security Officer to check both police officer identity and good standing and verify subpoenas at check-in.
2. A Police Officer who is coming to court as a party in a case shall not seek bypass and shall not bring any weapons into the courthouse. When a Police Officer is coming as a party to a lawsuit, a Police Officer shall go through screening as any other member of the public and be subject to the same rules as any other member of the public.
3. A Police Officer who is coming to court as a witness in the normal course of duty, but who has a pending family court case or order of protection or injunction against harassment or eviction case or a pre-disciplinary or disciplinary hearing pending, upon signing in at a security station in the courthouse, shall place all weapons into a gun locker at the security station before entering the courthouse and proceed through the regular public security screening process.
4. A Police Officer who is not readily identifiable as a law enforcement official, either by reason of uniform or a visible display of law enforcement identification, shall not bring a weapon into the courthouse. No officer can

by-pass security sign-in, check-in or screening by showing a police identification badge.

5. Police Departments are expected to adopt policies and procedures to ensure compliance with this Administrative Order. The Court Administrator shall periodically run the list of Police Officer entrants with the database of pending court cases. The Court may suspend or terminate by-pass privileges entirely for any Police Department which has an officer violate these policies.
6. A judge, commissioner, or justice of the peace may order a law enforcement officer to place all weapons into a gun locker if, in the discretion of the judicial officer, upon a finding that the facts and circumstances raise a safety, security, constitutional, legal or ethical issue if the law enforcement officer is armed in the courtroom.

G. Background checks for by-pass

1. Except for elected officials who may be granted by-pass privileges by the presiding judge and judicial officers, a criminal background check shall take place before a by-pass is issued. For attorneys, the cost of a criminal background check shall be paid for by the applicant, and the administrative costs of the application shall be paid for by the applicant. The security by-pass privilege and card shall only apply to designated security entrances and, even then, entrants will be subject to random screening.
2. Background checks shall include ACJIS and fingerprint check, and shall be redone every two to three years for those persons allowed to maintain their badge for more than one year. Results of background checks should be reviewed by the appointing authority or his/her designee on a case-by-case basis to determine if bypass should be given. A supplemental application form must be filled out upon every renewal.

H. Other provisions

1. Independent contractors who work within the courthouse shall not be granted bypass privileges, or access to the courthouse without screening, without a criminal background check and permission of the Court Administrator. The Court Administrator shall monitor the list of independent contractors who enter the courthouse.
2. The Presiding Judge may designate additional individuals for security by-pass.

3. Only Judicial Officers and persons designated by the Presiding Judge or Court Administrator shall have after-business hours card access to the courthouse.

IT IS FURTHER ORDERED replacing Superior Court Administrative Orders No. 2004-122 and 2006-078.

Dated this 17th day of October, 2013.

/s/ Norman J. Davis

Norman J. Davis
Presiding Judge

Original: Clerk of the Superior Court

Copies: Judicial Executive Committee Members
Hon. Michael K. Jeanes, Clerk of the Superior Court
Hon. Tom Horne, Attorney General
Hon. Bill Montgomery, County Attorney
Tom Manos, County Administrator
Raymond L. Billotte, Judicial Branch Administrator
James Logan, Public Defense Services
Jim J. Haas, Public Defender
Marty Lieberman, Legal Defender
Bruce F. Peterson, Legal Advocate
Barbara Broderick, Chief Adult Probation Officer
Eric Meaux, Chief Juvenile Probation Officer
Edward DeCoste, Security Director